

## REMARKS

Regarding the claim amendments

Claims 9-16 have been added to recite a process for preparing the nanoscale self-aggregates of the invention. Claims 17-20 are product-by-process claims.

Support for claim 9 and claim 17 is found on page 5 lines 6-20 of the English language specification, as well as in Examples 1 and 2. Support for claims 10-16 is found in previous claims 2-8. Support for claims 18-20 is found in previous claims 2, 5 and 8.

The number of claims after entry of this amendment is 20, with two independent claims. No additional fee is believed to be required with respect to the amendment of the claims.

Regarding the §103 rejection of claims 1-8

Claims 1-8 of the application stand rejected over the English language abstract of JP 2000-204030A (Ikemoto et al.) The rejection is respectfully traversed.

Applicants have obtained an English translation of the entire Ikemoto et al. reference. A copy is being provided to the Examiner in the accompanying Supplemental Information Disclosure Statement.

The Examiner cites Ikemoto et al. as disclosing a subgenus of O-glycoside type oligolipids from which the presently-claimed nanoscale self-aggregates are formed. The Examiner seems to be of the opinion that Ikemoto et al. does not explicitly describe nanoscale self-aggregates made from the O-glycoside type glycolipid. However the examiner apparently considers this to be inherently disclosed by the reference because she "considers the self-aggregation of the O-glycoside type oligolipid to be an inherent physical property".

Applicants respectfully take issue with the quoted statement. The *ability to form self-aggregates* is perhaps an inherent property of the O-glycoside type glycolipids, if they are exposed to certain conditions. But that is different from saying that self-aggregation will inherently or spontaneously occur in these materials. The latter statement is not correct. Self-aggregation does not inherently or spontaneously occur whenever those materials are present.

The current specification illustrates this point. The starting O-glycoside type glycolipid is formed in organic solution (*see, e.g.*, the paragraph bridging pages 4 and 5

of the English language specification, and Production Examples 1 and 3) under moderate temperature conditions (i.e., room temperature or less for the final synthesis step). In each case, this results in a single compound identified by its NMR spectrum at the end of Production Examples 1 and 3, respectively.

In order to create the self-aggregate, additional processing is needed. This is explained at page 5 of the English language specification, and in Examples 1 and 2. The additional processing in this case requires dispersion in water, heating and then slowly cooling to allow the molecules to self-aggregate. The self-aggregation is manifested by a change in the physical state of the material, during which nanofibers form. The fact that a phase-change occurs confirms that the self-aggregation did not occur until the heating and cooling step were performed. This is clear evidence that the self-aggregation will not spontaneously occur merely due to the presence of the starting material.

Ikemoto describes making the O-glycoside type glycolipid in "anhydrous toluene" (page 5, line 14 of the full translation provided with this office action). Ikemoto does not describe any further processing of the compound that might be expected to lead to self-aggregation. In particular, Ikemoto does not describe dispersing the compound in water, heating and allowing to cool.

Therefore, Ikemoto cannot be fairly viewed as inherently teaching self-aggregated O-glycoside type glycolipids. The self-aggregates do not spontaneously form, but instead require that the starting materials be subjected to processing steps which enable their formation. Ikemoto describes no such process steps.

Because Ikemoto does not explicitly or inherently teach or suggest the manufacture of nano-scale self-aggregates of any type, it does not render the presently claimed invention obvious.

Conclusion

Patentability of the claims over the cited combination of references has been established. The case is now believed to be in condition for allowance.

The undersigned would welcome a telephone call if that would assist in resolving any issues remaining in the case.

Respectfully submitted,  
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